

- SD EX 125 : M 562/7

STATE DOCUMENTS
COLLECTION

MESSAGE

-----OF-----

Governor Andrew E. Lee

TO THE

Seventh Legislative Session

STATE OF SOUTH DAKOTA.

GOVERNOR'S MESSAGE.

INTRODUCTION.

To the Senate and House of Representatives:

In compliance with constitutional requirements I have the honor to submit to the representatives of the people my third bi-ennial message. During the past two years there has been no occurrence of unusual moment to disturb the tranquility of the state. The seasons have been fruitful and the people have so far adapted their lives and commercial energies to the physical conditions of the country that the loss of one or two crops can no longer result in distress and emmigration. The tide of immigration has set strongly in our direction, the late census showing an increase in our population of twenty-two per cent during the decade. This increase of population represents a steady, permanent growth. It represents a solid acquisition of solid people who have come here because they know the value of the state as a place to make homes and are fully advised concerning the best means to that end. The public health has been good; the public peace has been undisturbed; the education of the youth has gone on apace, stimulated by a school fund whose total has reached 53,372,926.16 and which is now annually contributing an income to the support of our common schools aggregating over 5250,000. Physically speaking our people have much for congratulation. So far as their own efforts and a kind Providence are concerned they have proposed greatly. But the movement of civilization is not backward. It is forward, and it is to the ques-

tions of to-morrow the representatives of the people- should address themselves, faithfully seeking the path which will most certainly and speedily lead to the' moral and material advancement of those they have the high honor to represent.

STATE FINANCES.

Despite heavy appropriations made by the last legislature and the neglect of that. body to pass measures to produce revenue equal to increased expenses, the state is in good condition financialy. The recelpts of the treasurer for the last two years have exceeded k1,000,000 per year. June 30th. 1899, he had a cash balance of 1537,110.-14, and June 30th, 1000, lie had a ca=ll balance of *555,701.37. State warrants have been registered since June 30th, 1899, owing to the depletion of that fund by appropriations in excess of current revenues. An interest charge of \$4,891.28 has been paid on these warrants at the rate of seven per cent per annum. The registration of warrants has not resulted in their depreciation; they have been cashed at par at all times and would be eagerly sought for as an invesment at a lower rate of interest than that now, fixed by law. Registering ;eneral fund warrants has proved a signal measure of economy notwithstanding this unnecessarily high rate o€ interest, and I hope that state officials will never be tempted to reinstate the former policy of issuing large blocks of revenue warrants running for long periods, benefitting nobody except the treasurer who may succeed in drawing interest upon his deposits, or the banks which handle the funds. It seems absurd that a state should tie its hands by the creation of separate funds and be forced to pay interest on its own money or suffer depreciation of its paper. For two years the banks in which the treasurer deposits his funds have held nearly a half million dollars belonging to the different state funds, still the state has paid the banks interest to keep its general fund warrants at par. We have paid the bank cashiers seven per cent to transfer our money from one state fund to another. What

would be thought of the intelligence of a business man who helplessly paid interest to some third party to transfer his money from one pocket to another? Some method should be devised to allow a safe transfer of funds and avert the further registration of general fund warrants.

It would seem that some Legislative measure sufficiently flexible can be enacted by which the school fund, now large and rapidly growing, could be invested more readily in our state obligations. I see no good objection to the Commissioner of School and Public Lands buying registered general fund warrants and he might profitably be authorized to invest a portion of the school fund in that way. Thus the school money would be invested in a good security paying a higher rate than the constitution calls for. Under the present law, large sums of school money lie idle, at least so far as the people are concerned, while the state pays a high rate of interest on its own money. I believe the time has also arrived when the question should be submitted to the people to amend the Constitution, reducing the rate of interest on our school fund, that we may successfully compete for first class securities in large blocks; otherwise a large proportion of our school fund must continue to lie idle.

The books of the treasurer disclose no interest paid to the state by these depository banks, although there is the test of reason for believing that the practice of receiving interest on state deposits indulged in by former treasurers is still in vogue. It was proved by the bank books that Ex-treasurer Phillips had received interest on daily balance on state funds deposited in the Dakota National Bank of Sioux Falls, and that some one had endeavored, by the use of chemicals to destroy the evidence of the offense. The amount of this shortage on interest received from various banks was estimated to be over \$50,000. I placed the findings of the Public Examiner before the last legislature and the Attorney General. Both made the treasurer's offense their own by neglecting to protect the public inter-

ests. This money is still due the state and should be collected.

Reforms should be instituted in the Treasurer's office:

First, That official should be paid a salary commensurate with his responsibility.

Second, He should be compelled to furnish a bond from some approved guarantee company in the full amount of his liability. At present he gives a bond for *250,000, half the usual balance constantly in his hands, and one-quarter the money collected and disbursed during the year.

Third, A depository law should be enacted to force the banks to pay interest on state deposits or else the funds should be locked up in the state's own vaults. A depository law was attempted by the last legislature, but it was so imperfect that I felt compelled to disapprove it in the hope that a good measure would be passed in the future. Why should the state constantly pay and never receive interest? Private individuals with large money holdings get interest on their deposits. The state can do the same if an honest measure is passed and the State Treasurer faithfully enforces the law. So long as it is possible for the Treasurer to personally profit by the use of public funds, it will be out of the question to enforce any depository law. This annoying and unbusiness-like method should be one of the first duties of the legislature to correct. There can be no good reason offered why a State Treasurer should be permitted to enjoy a sinecure by which he makes from \$12,000 to \$15,000 per year at the expense of the people.

There has been a reduction in the state debt by bond payments during the last two years amounting to \$248,000, the total state debt being \$613,300 on June 30 last. After repeated demands from the executive, the present Treasurer followed the precedent of his predecessor and took up '95,000 in bonds July 1 last, illegally issued for a longer period than ten years. This, together with \$30,000 that was paid on June 24, 1899, makes a saving of \$50,000 in interest for the ten years the bonds in question would otherwise have run. The Treasurer's

report shows cash on hand belonging to the bond interest and sinking fund and the special sinking funds to the amount of \$72,488.91; when this amount is deducted from the outstanding bonds it leaves the state's net indebtedness \$540,811.09. It is to be hoped this policy of bond paying, which I have insisted on in the past, will be vigorously carried on until South Dakota is out of debt.

The enormity of the delinquent state taxes ought to arrest the attention of the legislature and suggest some effort to collect the same. as well as to provide against future delinquencies. The Auditor reports \$308,207.54 delinquent, June 30, 1900, more than half enough to cancel our entire bonded debt. The fault primarily is with the counties. Many are negligent in making collections. If each county was made liable to the state, for the state taxes levied on property within its borders, and proper penalties affixed for neglect to remit the tax to the State Treasurer within a specified time, I believe the abuse would end.

The defalcation of ex-Treasurer W. W. Taylor still remains a source of regret. During the last year \$7,779.22 has been realized from the sale and leases of lands acquired from Taylor in attachment proceedings. Further collections will be tedious if they are possible. In all \$146,544.66 has been realized, and there still remains a debt of \$220,842.54 to remind us of the unfortunate hour when he was elected to fill our highest position of financial responsibility.

APPROPRIATIONS AND REVENUE.

So long as the present system of taxation prevails the question of revenue will be a difficult one in South Dakota. We are forced to build our state institutions with a view to the ever increasing demands of this young and growing state, and, expenditures have more than kept pace with the increase in property heretofore subjected to taxation. As a consequence we have been borrowing next year's revenues, and paying interest

upon them, to meet this year's expenses. The heads of the various public institutions are asking for appropriations which will exceed in the aggregate A950.000. This sum is greater than the total expense of maintaining the state during any previous biennial period prior to 1899. The Auditor advises that we may expect a deficit before the close of the fiscal year ending July 1., 1901, amounting to from X150,000 to :200,000. To meet this large deficit three ways are open.

1. Register warrants at a high rate of interest and take them up as rapidly as the incoming revenues will permit.

2. Issue bonds which, while lower in immediate interest rates, are costlier in the end than registering warrants.

3. The most business like way is to tax all the property of the state in an equitable manner. instead of allowing railroad, telegraph, telephone, express and mining interests to escape their just burdens of taxation because they have passes and franks to distribute to the members of the Board of Equalization and Assessment, or because they are supposed to influence the votes of employes in return for official favors. The State Board of Equalization and Assessment, pretended to raise the railroad valuations in 1890 and 1900, but the increased valuation placed upon other forms of property held by the people was so great that the railroad companies paid actually less money into the state treasury than they had previously done with smaller valuations. To avoid the undue influences of the railroads on the Board of Equalization and Assessment, a law should be enacted giving the power of assessment to the assess sons of the various counties in which such properties lie. It is much easier to influence the assessments and valuations NN-lien made by a few men than where they are made by assessors of the various counties who are elected by the people for the sole duty of assessing property for taxation.

There are millions of dollars of mining property in this state exempt from adequate taxation. The Homestake and Golden Reward companies are worth millions of dollars each,

are taxed on nominal value of lands and buildings and not in accordance with the product of the mines. This is a glaring injustice and could easily be remedied in this state as has been done in other states, by taxing the output of raw ore.

The property of the telegraph, telephone and express companies should be taxed according to their productive value, precedent for such taxation being found in other states where the courts have held that there are forms of intangible property subject to taxation, like franchises and special privileges which yield large incomes to their owners.

I also desire to call your attention to the vast volume of business done in this state by companies selling illuminating oils. There should be means devised to secure the taxation of this form of merchandise as other forms of merchandise are taxed.

I also recommend that the telegraph and. telephone companies be placed under the supervision of the railroad commission and that the commission be given power to regulate, rates charged by such companies.

The tariffs of the telephone companies are outrageously high, the rates charged amount to more each year than the cost of construction and operation. Measures should be taken to insure the use of the telephones at reasonable charges made according, to distance talked. A reduction of more than fifty per cent can be made without danger of a federal court holding it confiscation of property. The State ought to buy up the present telephone lines or build and operate its own. Such a measure is practicable and would forever settle telephone and telegraph charges within the State.

STATE SCHOOLS.

Appropriations should be liberal for the schools of the State, as failure to appreciate the demands of our young men and young women for improved educational facilities may result in losing their patronage and eventually in the loss of their

citizenship. The difference between the cost of maintaining good schools and inferior ones is so little that there should be no hesitancy in making appropriations sufficiently large to place our State institutions upon an equality with the best institutions of other states.

Wisdom would have suggested the consolidation of our educational system at one point, but we have gone to the extreme in the opposite direction. Schools were located pursuant to local demands instead of in response to a sound educational policy. The tendency to a multiplication of Normal Schools should be curbed, as it means a large number of inferior educational institutions at a vast and ever increasing expense to the state.

At the last session of the legislature a bill granting 40,000 acres of public land for a Normal School at Aberdeen was passed. The bill was vetoed. Another bill was introduced and passed changing it to a school of technology which finally became a law by limitation. A bill making a similar grant of land for a normal school at Watertown was passed and vetoed. I do not regret the passage of the Aberdeen bill. To allow the institution to be located in the north part of the state was to forestall a combination in some future legislature which would have created a brood of needless schools. The site for the Aberdeen school is well selected adjacent to the best residence part of the city. I have no doubt the institution, if properly managed, will be prosperous and largely attended from the start.

I cannot endorse the Springfield Normal, that portion of the state being abundantly provided with similar educational institutions already. At present it is a puny local school which the regents unwisely recognized without reason or authority after the legislature of 1897 had refused to make an appropriation for its maintenance.

THE MADISON NORMAL.

The Madison Normal, under the able management of Professor Beadle and its competent faculty, is now in a very flourishing condition with the largest attendance during its existence.

The new dormitory seems to have been built with a view to getting the greatest amount of space rather than with an eye to architectural uniformity and beauty. The building has three stories and a basement. Unfortunately the appropriation was insufficient to complete the building for occupancy this season owing to the high prices which the trusts have extorted for materials.

The third story is incomplete and an appropriation of 162,500 is asked for its completion. Also \$2,361.59 to reimburse the people of Madison for money advanced in the work of construction.

SPEARFISH NORMAL.

The Spearfish Normal is in a prosperous condition with increased attendance. The faculty under Professor Cook is doing excellent work and the institution is generally spoken of with pride by the people in that part of the state.

The new dormitory is a fine and well proportioned building and seems to have been honestly constructed, except the plastering which is inferior, but which will be replaced by the contractors. It is unfortunate that this building could not have been fully completed ready for occupancy this season, as it is much needed, the institution being in a crowded condition. The report of the Regents shows that the citizens of Spearfish have advanced \$1,688 towards its completion, but even this amount was insufficient to finish it. The legislature should promptly pay the amount advanced by the citizens of Spearfish.

STATE UNIVERSITY.

The State University, like the other schools I have mentioned, has an increased attendance. Last year the registration showed 3130 students and during the present year the number is considerably larger.

All of these students receive instruction in one large main building containing the physical, chemical, biological and geological laboratories, all the class rooms, the chapel and the library. The result of this crowding, especially during the change of classes, is detrimental to the discipline of the institution. Few of the professors have the undivided use of their class rooms. The obvious remedy for this state of things is a new building to which all the laboratories, with their appropriate lecture rooms, can be relegated.

The Board of regents recommend an appropriation of \$50,000 for such a building. I fully concur in their recommendation, for this amount is not excessive. This, building is absolutely necessary to meet the growing demands of the university if we are to keep pace with like schools in other states. The regents also recommend an appropriation for a law library, and the establishment of a department of law, without which a university is incomplete. -

AGRICULTURAL COLLEGE.

The attendance at Brookings was very large last year and promises to be still larger this season.

A two-story brick creamery has been built to take the place of the one destroyed by fire. The building while fairly well planned, is entirely too small, and is not in keeping with the character of the institution. The machinery in this building is, of the latest patterns, and the most scientific results in butter and cheese making are obtained.

A gymnasium has been constructed also, with a drill hall on the first floor for girls and a like hall for boys on the second

floor. Unfortunately the contract for this building was not let until there was a large advance in the cost of material. About \$1,800.00 was expended for heavy iron trusses to support the roof, which I believe to be entirely unnecessary and detrimental to its appearance and utility. This amount should have been expended in making the building at least forty feet longer in order that it might be a model building for the purpose for which it was constructed. The original plan, when the appropriation was made, was to have the heating plant occupy a part of this building. This plan was changed and the old building containing the heating plant has been repaired at a considerable expense, as it was in a badly dilapidated condition. The heating plant is now in fairly good shape but the location is undesirable and adds to the risk of fire.

The cyclone of August 19th last damaged the buildings to the extent of \$4,184.85, which sum was advanced by Horace Fishback to make imperative repairs in the absence of an appropriation for that purpose. This sum should be repaid with interest under an emergency clause.

SCHOOL OF MINES.

No institution in our State has made such a rapid growth as the School of Mines. The attendance at the present time is several times larger than it has ever been before, there being between eighty and one hundred students. The school has grown in popularity under the able management of Professor Slagle and his assistants. Regular courses of study have now been adopted, and degrees will hereafter be conferred.

Owing to the large increase in attendance, the present buildings are much too small to meet the requirements. The regents denounce the buildings as unfit for such a school, halls being narrow, stairways steep and class rooms not large enough, and they have recommended an appropriation for a new building.

The mining industry in the Hills has taken on a new activity owing to the new scientific methods that are constantly being discovered for extracting gold, and ore that under the old process was considered worthless, can now be worked at good profit.

A good School of Mines is therefore necessary and should be properly maintained to assist one of our most important industries.

BOARD OF REGENTS.

The practice by the Board of Regents of holding long distance meetings, by passing motions through the mails to one another instead of holding sessions as is contemplated by law, cannot be too severely condemned. It is an evasion of the law and a fraud upon the public service. Officials who find their work unremunerative or incompatible may always find refuge in private life.

Another practice which deserves the severest condemnation is that of assigning to each member of the Board one school over which he has absolute control. The recommendations made by each member in regard to the school of which he has charge, are almost invariably accepted as final; whether they are for the best interests of the institution is not given serious consideration. This practice should be prohibited, and no business should be transacted without a majority of the Board being present. The favoritism practiced by one member of the Board, who uses his position to give employment to his relatives, likewise deserves a reprimand. It is not a question whether the relatives are competent. Nepotism has always brought abuse, and is justly unpopular in any branch of any government.

PENAL AND CHARITABLE INSTITUTIONS.

The penal and charitable institutions of the state are in better condition than they have ever been. They are more

umanely, more honestly, more economically and more intelligently managed than at any time during their whole history. This is a conclusion reached from personal observation and careful inspection and from the faithful reports of the public examiner. The institutions were received by the present board of charities from the former officials during the spring and summer of 1899. At the hospital for the insane everything possible was done to delay the transfer and subsequently through intriguing employes to embarrass the new superintendent and his chiefs. The public examiner made an exhaustive report upon the condition of the Asylum and found that there had never been an invoice taken of the property. When the former Superintendent, Dr. Meade, retired from management he took with him an enormous assortment of household goods which he claimed as his own and which could not be identified as belonging to the state because no accurate list of the state's property had ever been kept.

This forced new expenditures by the incoming officials for the ordinary household utensils. I can readily understand how an officer who makes it his home in a public institution for a series of years may in his egotism come to regard the institution and the office as his property, but I cannot understand why he should raid the household before leaving for every little item of furniture not actually attached to the floor or walls of the building. In this institution it had not been the policy to keep an accurate set of books, the public examiner being compelled to rely in making his investigations upon vouchers on file. It was found that excessive prices had been paid for almost everything bought but there was nowhere any evidence of discounts having been credited to the state. Frequent purchases of high price cigars under cover of "tobacco" which is furnished the patients were discovered. A system of submitting bids which permits extortion from the state has existed. Bids are asked for a number of articles which are seldom used. Some of these I personally know to have been

put down to less than one fourth of their wholesale value. This permits the bidder to ask a good price for his staples and, at the same time reduce his gross bid below the prices asked by the dealer who makes an honest price on all items contained in the bid. It is by official collusion with favored bidders that the state pays high prices on its purchases and public officers are afforded an opportunity to share in profits made by those who supply the merchandise required by the institution. Will it be difficult to remedy such things by statute. The employment of public servants possessing civic virtue is the only known method of protecting the state treasury from such practices.

During the past two years the hospital has undergone many necessary improvements. Several hundred trees have been planted and the grounds greatly improved. This work has been neglected for, many years, for which there can be no excuse.

The laundry and boiler plant has been built upon an enlarged scale, but unfortunately not without a serious mistake. It seems that the management did not profit by past experience. The old power house was sunk to a great depth in the ground, resulting in annoyance and inconvenience, yet the same mistake has been made in the construction of the new one, which has been sunk more than four feet below the surface, giving the building a decidedly squat appearance. It is also liable to be flooded during every heavy rain, which was the experience of last summer.

Another serious mistake was the purchasing of three boilers of eighty horse power each. Although last winter was very mild these boilers were insufficient to heat the institution. Had the season been cold the inmates would have suffered greatly. After ample experience with small boilers it seems strange that the board did not provide the new plant with boilers of sufficient capacity to properly heat the institution. A new one hundred twenty-five horse power boiler has just been added to the plant, which will perhaps heat the present build-

ings but will be insufficient to heat those now in the course of construction. Neither was the power house built with a view of future enlargement of the heating plant.

A new cottage has been erected upon the grounds occupied by the old laundry building which was burned. This cottage is well built and well finished, but only accommodates about fifty patients.

The large central building for which the last legislature made an appropriation of \$35,000 is well under way, the walls now being two stories above the basement. The building has been well cared for and is in perfect condition. While the legislature appropriated only 35,000 for this building the plans drawn by the architect and accepted by the board are for a building to cost 565,000 and this estimate was evidently without including plumbing and fittings. If any wrong was committed in this connection it was done by the governing board which purposely laid out work which, it could plainly be seen, would require twice as much money as was available. This building when completed will furnish a splendid theater and amusement hall for the patients, also a spacious dining room and kitchen. It will however relieve the present crowded condition but little, being only sufficient to accommodate but fifty people with sleeping apartments.

One peculiar feature of the contracts for the construction of these buildings is that they were all let to be built during one season. It seems that the old governing board was anxious to let all the contracts and expend as much of the money as possible before their successors in office should enter upon their duties. Why they should do so can better be surmised than explained. Superintendent Dr. Meade told me on one or two occasions that only one building should be built each season, as the greater portion of work could in that way be done by the patients. Had this policy been followed, several thousand dollars could have been saved the state in the construction of these buildings. The constant cry is for more room. An-

other cottage should be provided for by this legislature as it will be badly needed before it can be finished. Patients are now doubled in many beds and more beds are used in each room than good sanitary regulations would permit, Amusement and sitting rooms are occupied with beds. While the institution is badly overcrowded, fortunately there have been no epidemics at the Hospital. The health of the patients is good. Their bedding has been renewed during the present superintendent's term and the whole institution gives evidence of cleanliness and good management. The old kerosene lamps formerly used have been replaced by electricity and danger by fire greatly minimized thereby. The institution is greatly in need of a sewerage system. At times the sewage has been known to back up into the basement until it covered the floor shoe-sole deep. This basement was then and is now used for a dining room because there is no other available place, but it is more like a Siberian dungeon than a modern dining hall. Dr. Ross has done much to remedy the sewerage system but it cannot be corrected or the health of the patients assured until a scientific system is organized. Must the institution wait for this until some horrible epidemic has made our previous duty regretfully plain?

The present population of the institution is 515, a gain of thirty during the last two years. Applications are constantly being made which tax its capacity to the limit.

In this connection it seems to me that the money levied for insane purposes upon the various counties having inmates should be appropriated for the insane and that the legislature does a wrong in withholding it or employing the funds for any other purpose. If the present per capita charges are too high the counties should be given the benefit of a reduction.

Before leaving this branch of the subject I desire to call your attention to the duty of securing proper grounds for a cemetery for the asylum. The dead are now being buried on grounds belonging to the Hospital. This practice is against

the plain provision of the constitution making it unlawful to devote to burying purposes any part of the land granted to the institution. - Besides it has been located almost in front of the buildings, a location both unsightly and disgraceful to the state. Five acres of ground should be secured adjoining the city cemetery, land well suited for the purpose and situated but half a mile from the institution. I recommend that this long neglected necessity be provided for with an appropriation of five hundred dollars.

The Northern Hospital at -Redfield has been completed during the last year and awaits an appropriation for furnishing, water, barns, and maintenance. It is capable of caring for about fifty patients and is one of the best and most beautiful of all the state buildings. There are said to be enough feeble minded children in the state to fully occupy the building and there is an urgent necessity that it be opened as soon as practicable.

The management of the Reform School under C. W. Ainsworth lacked in business sense or common honesty, or both. His methods of discipline were better adapted to the sixteenth century than to modern times. When Mr. Tompkins was elected superintendent, the larger boys, accompanied by a number of the smaller ones, made an attempt to escape, some of them being successful. A few were armed with deadly weapons ready to give assault or defense if interfered with in their designs, When questioned after capture they admitted that the escape had been planned for some time and there was every indication - that the retiring officers were cognizant of what was to be done and gave it encouragement. The children were led to believe that the advent of a new management meant cruelty and hardship for them. They were coached in current politics from the standpoint of the retiring administration, presumably by members of that administration; for they were not

Gov. Mess,-2.

readers of the daily press and could know nothing of the political side of the promised change in management.

Such proceedings carry their own condemnation. The young people who took part in the enterprise have since had no reason to complain of their treatment by the new superintendent, whose conduct of the institution has been exemplary. His discipline is perfect but kind. The children enjoy nineteenth century privileges and are treated as though they were human beings with pride and an even chance in the world for honorable fame.

The former superintendent bought recklessly from his friends and seems to have regarded the institution as private plunder. As a sample illustration I noticed a purchase of 1865 pounds of nails bought in August, 189 , for 5c per pound; the same nails were then retailing at 21c. A large biennial deficit had been the rule at the school every year during his eleven years mismanagement. During the fiscal year from July 1. 1898, to July 1, 1899, (Ainsworth's last year) the total expense for maintenance was \$0,69,8.85, an average per month of \$1724 and a per capita expense of \$15.81. From July 1, 1899, to July 1, 1900, (Tompkins's period) the cost of maintenance was \$11,055.74 an average of \$921.31 per month and a per capita expense of \$10.47, a difference in the per capita cost of maintenance of \$5.34 in favor of the Tompkins period. Mr. Tompkins returned \$126_'.59 to the state treasury from his maintenance fund and during his first year he saved \$3,150 from his maintenance and cash funds. Aside from this he has made many needed improvements which might have been made years ago by judicious use of money at hand and without an additional dollar of appropriations. Mr Ainsworth kept no suitable books of account and those found were mutilated with the evident design to destroy the record of his bad management. Two small ledgers and a pocket cash book were the only fiscal books found. The cash book Ainsworth took with him when he left but gave it to the Secretary of the Board who returned

it to Mr. Tompkins. This book covers the entire cash transactions of the institution, yet entries are found on but seventeen pages and these in no regular order as to date. Some of the entries are entirely barren of dates. The ledgers were in much worse condition. From one of their leaves had been removed from page 1 to 105 inclusive; in the other book the leaves had been torn out, from page 1 to 131 inclusive. The department record of the girls, the record which fixes the date of discharge, had also been mutilated, leaves No. 5 and 6 having been cut out. Changes had to all appearances been made in other places with the probable purpose of embarrassing the new management and covering up the dismissal of some of the older girls before they were entitled to their discharge. He took no invoices from year to year, the only one ever taken so far as is known having been made at the request of the Board after Messrs. Brown and Lien became members and just before Ainsworth retired. According to that inventory there, were nineteen head of cattle missing and unaccounted for between April 1, 1890, and July 1, 1899. These cattle were not slaughtered for during that time there was \$100.00 expended for meats, enough to supply the institution, aside from the veal calves which were then being used. Mr. Ainsworth has thus far failed to make any explanation of this shortage. Again, the "Mail", the institution organ, supported for years by the state as an experiment, for the education of the boys in the art of printing, was appropriated by Mr. Ainsworth when he left the institution. All the money he received from advertising and subscriptions during about eleven years, was also appropriated and the state bought the white paper, hired the men and in fact paid the expenses of the paper. How he could acquire title to this piece of institution property with any better right than the cattle which he failed to account for, I am unable to understand. I draw attention to these details to show the utter lack of public morality which has obtained in our public institutions as a consequence of long years of continuous official tenure,

During the last five years of his stay in the institution Mr. Ainsworth was not under bond, a neglect of the Board of Charities and Corrections which may account for the easy manner in which he handled public funds. I do not believe the institution can ever attain the full measure of its possibilities while located at Plankinton. While in a good country for certain forms of agriculture it is impossible to raise the varied crops adapted to the work of boys of the age of the inmates. The boys under instruction there are human beings with hopes and aspirations. They take an interest in the growth of the crops and to be continually disappointed is well calculated to sour them on the world. The effect demoralizing. If this institution had been located in a section of our state adapted to all sorts of agriculture where failures are unusual, and provided with two sections of land, it could have been made almost self-sustaining. For confirmation of this statement I refer you to the result obtained on the penitentiary farm although on a much smaller scale. If the Plankinton institution could be converted to some other state purpose and the Reform school properly located, a great industrial school, capable of maintaining itself, could easily be built up. To agricultural training should be added the trades of harness, shoe, broom and other suitable industries.

Proper training of the girls is of as vital importance as for the boys. They should receive a thorough training in practical house keeping. If they were so trained they would never lack dignified and honest employment, such help being in constant demand. In outlining these occupations I do not mean that theoretical education should be neglected. There is time for both mental and physical work, and the more systematic training the boys and girls get while in the school, the better prepared they will be to gain a livelihood.

An investigation of the affairs of the Penitentiary just prior to a change of administration showed better management as a whole than was found to exist in the other institutions, but

disclosed the same lack of civic virtue. It was found on investigation that a fund known as the "hide fund", derived from the sale of beeves butchered for the institution and amounting in the aggregate to 81,171.02 was used by the Warden in the purchase of cigars for the members of the Board of Charities and Corrections and for visitors; also that large quantities of iron pipe belonging to the institution had been appropriated by certain members of the Board. The salary of the Warden was X1800 per year and that of the matron, his wife, \$300 per year. November 25, 1898, the salary of the Warden was made \$2000 per annum. On that day there was paid by the Warden N. E. Phillips, to the Warden, N. E. Phillips, \$1,133.33, the back salary grab having been dated from April 3rd, 1893, and running to December 3rd, 1898, five years and eight months or \$200 per year. Henry Peterson, deputy warden, was paid "100 March 4th, 1899, back salary from July 1st, 1893, to July 1st, 1897, four years at \$100 per year. For four years ending June 30th, 1897, Mr. Peterson also drew X100 per year as "superintendent of quarries", from the fund derived from the sale of farm products. During the same period Dan Getty, bookkeeper, received X240 per year in addition to his regular salary as "assistant gate keeper". These are a few of the disclosures which the Public Examiner made but they give an approximate idea of the free and easy method of handling public money which has been going on for so many years in our public institutions. They prove that there should be a closer scrutiny by the Public Examiner and that a new and better standard of official morality is necessary. I am pleased that these matters have been reformed under the present management. The salary of the officers has been reduced to the old level, which was high enough. A heavy draft has been made upon the stone quarry during the last year for the erection of public institutions, two hundred and forty three cars of stone of a value of X15,147 having been produced. This has weakened the guard force and there have been some unavoidable

escapes of prisoners, none of whom have so far voluntarily returned to disturb the quiet of our community but most of whom have been captured and returned to the penitentiary.

The penitentiary farm continues to be a fruitful source of profit to the institution, adding to its support and affording healthful exercise to the prisoners. There are two hundred and eighty-six acres of land under cultivation at the penitentiary, which produced last year 3100 bushels of corn, 1183 of wheat, 2-97S of oats, 1584 of barley 100 tons of wild hay, 6 tons millet, 60 bushels beans, 2510 bushels potatoes, 5 tons sugar beets, 3100 cabbage, 139 bushels tomatoes, 100 bushels sweet corn, 350 bushels onions, 8100 water melons, 6900 musk melons. Four thousand gallons of mill: was produced and 1_'00 dozen eggs. The value of animals slaughtered, together with receipts from hides was X3,000. When this showing is added to the \$15,000 stone product, it will be soon that the penitentiary is not wholly a burden upon the state.

The health of the prisoners with few exceptions has been good, but there seems to be a growing tendency, especially among life prisoners, toward insanity, which suggests that a statute providing for commutation of sentence might be advisable.

The prison physician also advises an improvement in the sewerage system. This is an expenditure which is always in order. A state may violently take the lives of men; it may justify that act on the ground of public safety and public policy, but it has no right and cannot be held blameless in the eyes of God for shutting men up and taking their lives by inches or endangering their health through neglect to provide for every sanitary device essential to the health and comfort of those incarcerated.

The School for Deaf Mutes is an institution which seems always to have been run with intelligent regard for its proper functions as well as for the rules of common honesty. No scandals have ever been attached to it. No gross business mis

management has been discovered. The present attendance is fifty-two and the progress made by the students is of the most flattering character. Professor Simpson earnestly urges the necessity of a teacher in articulation. He believes many of the children would be greatly benefitted by such instruction as some have not entirely lost the power of articulation. Since my last message a good steam plant has been put in and boiler house constructed which is proving a saving of from three to five dollars per day in fuel besides removing danger by fire. as the old heating plant was very unsafe. The buildings long in need of it, have been repaired and the property of the institution generally conserved. Money appropriated for repairs is never wasted. The legislature errs in stinting repairs, causing buildings to decay and become unwholesome and unsightly. A hospital is needed in this institution. It is not now properly equipped. Contagious diseases may appear at any time, as they have done heretofore, and preparation, always the best prevention, may result in saving many precious lives. The superintendent recommends appropriations for the next two years aggregating \$53,900, of which x.3,500 is asked for a site and hospital and 115,000 for the erection of a main building.

The asylum for the blind at Gary is a fair illustration of the ease with which institutions may be created if no regard is had for the continually increasing demands for money which these institutions entail. I have no personal feeling in the matter whatever, but will submit some figures from the books of the auditor which should have attracted the attention of the legislature before the passage of the bill for maintenance in 1899. Since 1893 the state has had a contract with the Iowa College for the blind, a first class institution located at Vinton, Iowa, under the terms of which our blind have been educated at a per capita cost of *162.00 per year, the total cost per year being as follows: 1893, appropriation X1,000, used 5332.40; 1894, appropriation \$1,000, used \$582.69; 1895, appropriation

\$1,296, used \$655.63; 1896, appropriation 51,296, used 5531: 1897, appropriation X1,296, used X517.18; 1898, appropriation \$1,296, used 5799.90. Under this contract we could have educated all of the present South Dakota population of the institution for 52,430, or about five and one-half per cent interest on the money now asked for buildings and maintenance. At the price charged for the maintenance of our blind under the Iowa contract we could educate 111 students with the money now asked for maintenance alone at the Gary institution. This is a greater number of blind children than I hope we may ever have.

A measure was pushed through the legislature in 1895 locating a school for the blind at Gary upon the deeding of a certain tract of land to the state by the town. The last legislature made an appropriation for the maintenance of the institution which I should have vetoed had there been any other alternative than to allow the blind to go without care, but as no appropriation was available for use under the Iowa contract I reluctantly approved the bill.

When the governing board went to Gary to arrange for opening the school they found no suitable place. The building which had been so generously donated to the state as an inducement for the passage of the appropriation was an old rookery which had been at one time used for a court house in the early days of Deuel county. It was entirely inadequate and unsafe and when the people of Gary were apprised of the disinclination of the board to open an institution in such quarters, they erected a neat brick structure, which was fitted up with steam heating plant, school furniture, etc. By utilizing the old frame building for dormitory purposes for the boys, the school will accommodate thirty pupils, there being twenty-two now in attendance, seven of whom have been admitted on contract with the State of North Dakota. The buildings were formally given to the state by the citizens of Gary on April 28th

last and were accepted by the Governor and the members of the Board of Charities and Corrections.

The board was fortunate in securing the services of Miss Dora Donald of Iowa, who is exceptionally well qualified for the position of superintendent, and the school is meeting with excellent success. The institution is of course in its infancy and as it grows will require yearly more help. It is poorly equipped for work; has no fire protection; insufficient land; no cows to furnish dairy products; no carriage and horses to afford the children healthful exercise and recreation, and many other things almost indispensable in an institution of this kind. Whatever difference of opinion there may be regarding the policy of establishing these public institutions at a time so far in advance of the real necessity for them, once established they should be properly provided for.

Miss Donald estimates the necessary appropriation for buildings and maintenance for the coming two years at \$44,000.

MILITARY AFFAIRS.

At the time of my last message, the First South Dakota Volunteer Infantry was doing garrison duty in Manila, P. I., awaiting orders to return to the United States for muster out, peace having been established between the United States and Spain. The regiment was called into action to assist in the suppression of a revolt by the Philippine people against an assumption of sovereignty over them by the President of the United States. While the regiment had enlisted for the purpose of arresting the cruelties of a Spanish despotism inflicted upon the struggling people of Cuba, in response to the commands of their superior officers the men entered upon their duties as becomes soldiers, evincing the best of discipline, the coolest of courage and the most dashing bravery. The regiment served continually on the firing line from the 4th day of February, 1899, to the 10th day of June of the same year when it was ordered from San Fernando to Manila, to recuperate

pending arrangements for deportation to the United States. The regiment engaged in twenty-three battles and skirmishes and lost the following men killed:

KILLED.

1. Jonas H. Lien, Adj. and Ist Lt. (Staff.)
2. Harvey M. Breed, Corp. Co. B.
3. Oscar Felker, Pvt. Co. C.
4. James W. Nelson, Pvt. Co. D.
5. Matthew N. Ryan, Pvt. Co. D.
6. Sydney E. Morrison, 2nd Lt. do E.
7. Lewis chase, Pvt. Co. E.
8. Hary R. Keogh, Pvt. Co. E.
9. Daniel E. Colleran, Pvt. Co. G.
10. Frank H. Adams, Ist Lt. Co. H.
11. Mortimer C. Bowen, Wag. Co. H.
12. Oscas E. Johnson, Corp. Co. H.
13. Guy Jones, Pvt. Co. H.
14. Horace J. McCracken, Pvt. Co. H.
15. Charles W. Peterson, Pvt. Co. H.
16. - Charles Hultz, Pvt. Co. H.
17. Fred. E. Green, Pvt. Co. I.
18. William G. Lowes, Pvt. Co. I.
19. James A. Lizer, Pvt. Co. K. 20. Harlowe De Jean, Pvt. Co. L.

DIED OF DISEASE.

1. Roy W. Stover, Sergt. Maj. Regt. (Staff).
2. Jim Goddard, Mus. Co. A.
3. Arnt. Carlson, Pvt. Co. B.
4. Frank S. Denison, Pvt. Co. B.
5. Charles Eschels, Pvt. Co. B.
6. William Fahrenwald, Pvt. Co. C.
7. Charles K. Perry, Pvt. Co. C.
8. Oliver W. Davis, Pvt. Co. D.

9. Askel O. Eidsness, Pvt. Co. D.
10. Fred. C. Greenslit, Pvt. Co. D.
11. - Leon Hull, Pvt. Co. D.
12. Royal H. Smith, Corp. Co. E.
13. Martin C. Mortensen, Pvt. Co. E.
14. Leslie A. Roberts, Pvt. Co. F.
15. Judson P. C. Wickham, Pvt. Co. F.
16. Otto J. Berg. Mus. Co. F.
17. Irving J. Willett. Mus. Co. F.
18. Wilson M. Osbon, Corp, Co. F.
19. Horace G. McCordic, Pvt. Co. F.
20. Nelson B. McKellar, Artif. Co. F.
21. William R. Bartlett, Pvt. Co. F.
22. J. A. Smith, Pvt. Co. G.
23. James E. Link, Pvt. Co. I.
24. Victor E. Schofield, Pvt., Co. I.
25. Roy P. Anderson, Pvt. Co. K.
26. James M. Clark. Pvt. Co. K.
27. John J. Mahoney, Pvt. Co. K.
28. Henry A. Uppendahl, Pvt. Co. K.
29. Jay L. Rundell, Sergt. Co. L.
30. Samuel C. Frazee, Pvt. Co. L.
31. Newell E. Jenks, Pvt_ Co. L.
32. Joseph W. Whitman, Wag. Co. M.
33. Olavus T. Holland. Pvt. Co. M.
34. Edward Mancher, Pvt. Co. M.
35. Wayne B. Larrabee, Corp. Co. M.

DROWNED.

Edward A. Harting, First Lt. Co. A.

DIED OF WOUNDS.

1. Peter S. Ryan, Pvt. Co. E.
2. Frank A. Schraeder, Pvt. Co. E.
3. John Dale, Pvt. Co. H.

4. William H. May, Pvt. Co. I.
5. David C. Dean, Pvt. Co. L.
6. Charles B. Preacher, 1st Sergt. Co. M.
7. William B. Smith, Sergt., Co. M.
8. Oscar Fallen, Pvt., Co. M.

Colonel Frost, General McArthur and Governor General Otis all recommended that Congress grant medals of honor to Captain Van Houghton and Lieut. Holman for conspicuous bravery in the presence of the enemy.

Following the wishes of many officers and nearly all of the men I wrote to the President April 10, 1899, requesting the discharge of the regiment which had enlisted for the Spanish war only. The President replied that the regiment would be returned as soon as transportation facilities would permit. Between the date of his promise and his tardy performance the records show that many transports sailed from Manila to San Francisco carrying no cargoes. An order was issued stating that privates upon making individual application would be discharged. Nearly every private in the regiment attempted to take advantage of this order but were prohibited from so doing by their superior officers acting under directions from the war Department. When the regiment had become totally unfit for further service it was ordered home. The President met the regiment on its arrival in this state and congratulated the men for having voluntarily remained in the Philippines after the time for which they had enlisted had expired and consequently after the expiration of the period for which they could be legally held.

As a mark of respect to them I met the soldiers at San Francisco upon their arrival. They were discharged from the service on the 5th day of October 1899, and left San Francisco for South Dakota on the 9th. The expense of the journey was advanced by the counties to the amount of \$28,662.05, aided by a fund realized from the sale of badges, amounting to \$2,574.00

making in all ,531,236.05 of which there remains in the treasury 11.31. It was expended by a citizen's committee of which Hon. F. A. Brown of Aberdeen was chairman, Ed. J. Miller of Huron secretary, and Hon. ,Tohn Schamber treasurer. The cost of returning the regiment was several thousand dollars greater than it would have been if it had been done under the direction of the military arm of the State government. The delays which were made for partisan purposes entailed heavy expense and much suffering upon the part of the soldiers and cannot, be excused upon any ground. It is doubtful whether the money so generously raised by the people of the State to pay the expenses of the soldiers from San Francisco was of the slightest benefit. taking the regiment as a whole, as the delay of thru and a half days in leaving San Francisco and the expenses incurred in the roundabout journey to meet the President and his cabinet at Aberdeen, left a large number of them poorer than if they had paid their railroad fare from San Francisco home.

The money advanced by the counties should be returned at the earliest opportunity, that the burden may fall equally upon the entire State.

No effort was made to re-organize the militia because all the equipment belonging to the State was taken with the regiment to the Philippines. There is now an appropriation of \$7,000 to the State's credit at the U. S. Arsenal. This may be (,yawn in equipments which wall make it possible to organize the militia upon a good basis provided the legislature makes an adequate appropriation for its maintenance.

At present there are but two military organizations in the State, Troop A, S. D. V. C., three officers and thirty-seven men of Deadwood, organized and mustered into the State service in October, 1899, and Battery "A" one officer and forty-one men. Troop A was organized for service in the Black Hills and on the reservation it the event that it might be needed, but with the distinct understanding that the expense of its

maintenance should be borne wholly by the Troop or its friends in the city of Deadwood, which has been done up to this time so far as I am informed. There are no obligations against the Troop for which the State, under the terms of the order creating the organization, can ever be honestly bound.

In conclusion I am pleased to report that of the entire cost of mobilizing the First Regiment, aggregating *14,576.15, *,1-1,111.53 was returned by the general government, but *173.56 being disallowed on the state's claims, and . \$144.51 was recovered from the railroad companies on transportation overcharges, which amount is an unexpended balance in the treasury which should be transferred to the general fund by law.

CORPORATIONS.

The corporation laws of the state need amending. They are entirely too lenient. The small fees which we exact for chartering domestic companies and the scrupulousness with which we have refrained from taxing these concerns on their capital stock, places a premium on the organization of wildcat concerns capitalized for millions of dollars and based upon no honest purpose to engage in business here or elsewhere. Most of them are speculative enterprises conceived to furnish charters ready made for great corporations seeking certificates to do business. The capital of companies chartered by South Dakota during the last four years amounting to 1,930,111.900. Most of this "capital" is a pure fiction. The favorite method of securing a state foot-hold is 'to hire some one to become a director of the company, in order to comply with the provisions of our law requiring that one third of the officers of the company shall be residents of the State. From \$2.00 to X5.00 is the ruling price for a resident "director" in some high sounding corporation capitalized for a fabulous sum. In the list of these directors will be found the names of many men who are in stringent financial circumstances. Firms of attorneys advertise to procure I 'directors" of this sort and attend to the filing

of articles of incorporation. This ludicrous industry-palpably fraudulent-has grown to much generous proportions that it has earned consideration at the hands of the legislature. Our laws are lax: they are more favorable to the incorporation of industrial companies than those of New Jersey, for in that state they are at least made to pay a percentage on their enormous capitalization, from which it is claimed the state of New Jersey received more than - 1,000,000 annually while in this state it costs no more to incorporate for X10,000,000 than for X10,000, the only revenue derived by the state being a filing fee of 10.00 paid the Secretary of State. I believe our - corporation laws should be so amended as to stop companies for incorporating for more than their actual cash capital, or else a progressive tax on capitalization should be levied which would bar fraudulent capitalization entirely. At any rate our corporation laws require a thorough overhauling. The disgraceful grinding out of wild-cat companies should be effectually stopped.

ALL FEES SHOULD GO INTO TREASURY.

Our fiscal statutes have been against the policy of allowing officers not charged with the collection and disbursement of revenues to collect and pay out public moneys except through regular channels. At, the public institutions a large cash revenue comes into the hands of the managing officers every year which is disbursed by them and is not accounted for in the state revenues For instance at the State Penitentiary there has been taken in of such funds since 1890, X62,791.89, an average of X6,279.19 per year. The same applies to the Reform School and other institutions. - These officers under present laws, are not: obliged to furnish bonds to the state as security for such funds, which is unsafe and unbusinesslike. These These monies should be paid into the state treasury and disbursed only on the warrants of the State Auditor, authorized by an appropriation by the legislature.

The clerk of the Supreme Court, who receives fees amounting to more than \$2,000 per year seems to have been entirely overlooked in previous legislation for the payment of fees into the state treasury. All fees collected by this office should be covered into the state treasury each month and a suitable salary provided for the clerk to be paid as other official salaries are paid. An enactment providing for the election of the clerk of the Supreme Court by the people would place that office upon a dignified footing and would meet with public favor.

FINES.

Section 3, Article VIII of the constitution provides that "the interest and income of this fund, (meaning the school fund) together with the net proceeds of all fines for violation of State laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the State. It is evident that it was the intent of the framers of the constitution that all fines for offenses against State laws should go directly into the income fund of the school fund. No statute has ever been enacted to carry this into effect and there are many thousands of dollars due the State on that account if this view of the constitution is correct. There is now \$37 in the Fish fund of the State which has been carried there since 1893. It was sent in by Hanson county and is the only fine ever remitted on that or any other account, the law of 1893 providing that half the fine for violation of the fish laws should go to the informer and the other half toward the propagation of food fish. The game law of 1897 provides that the fines shall go to the school fund of the counties. Nowhere is there a provision enforcing the evident constitutional intent. The legislature should provide suitable legislation now in order that the matter may be reconciled before too many years have elapsed when it would be much

more difficult of settlement. The Auditor desires to transfer this item into the general fund, as it has already cost more to carry it on his books than the principal sum amounts to, but has been unable to get an agreement with the treasurer to do it or an opinion from the attorney general that it would be permissible, the latter official declining to give an opinion which might involve grave constitutional questions. The subject is one meriting thorough consideration.

STATE INSURANCE.

The report of the Commissioner of Insurance shows a considerable growth in the business of that office. The fees received have increased and the business done by insurance companies has grown measurably. The laws of the state are imperfect in respect to local mutual companies. No power is given the commissioner to exercise authority over them, they being virtually being a law unto* themselves, while he exercises autocratic power over outside companies. The commissioner should be given the same supervisory power over domestic concerns that he has over foreign companies. Our laws provide a paid up capital of ~150,000 as a prerequisite to the organization of a domestic stock insurance company. An admission fee of 825.00 will permit a foreign company of 850,000 capital stock to solicit risks in the state. This is unfair and impolitic. It tends to induce capital to leave the state to organize to do business in the state.

But I am satisfied that our only refuge from the extortion and difficulty of the present insurance system is the adoption of state insurance and I renew my recommendation of two years ago to that effect. During the last ten years foreign fire and life insurance companies have written risks in South Dakota aggregating \$287,760,810.04 for which they have charged premiums amounting to \$9,011,917.59. They have paid back in losses \$3,759,263.81, or about \$1.00 for every \$2.50 received. GOV. Mess.-3.

in premiums. Allowing them fifty per cent for expenses they have paid about 100 per cent profits. This has been a tax of at least x;12 per capita on the people of the state in support of a business purely predatory in character. The State of South Dakota can insure its people and its property at an expense so trifling as never to be felt and so small in comparison to what we have been paying as to put to shame any argument in favor of private insurance companies. The system is not a novelty. It has been in successful operation in the German states for more than twenty-five years and has been supplemented by an old age pension provision which has practically done away with pauperism. If a state may employ the taxing power to support paupers it may do it to prevent men from becoming paupers. If it may require the lives of men in its military service it may protect the lives of all its citizens. If it may pay its soldiers pensions it may pay its citizens life insurance annuities. The local fraternal and mutual companies furnish some relief from the insurance trusts but they lack the power which would be possessed by the state and do not gain the public confidence that a public monopoly would enjoy. The subject is a new one to a vast majority of our people, but in view of the extortion practiced upon us by the insurance companies I believe it is worth serious consideration.

THE LIQUOR LAW.

The revolutionary action of the last legislature in resubmitting the Dispensary amendment by resort to an outrage upon parliamentary practice, after a pretended attempt to adopt a law putting the amendment in force, has been endorsed by the voters of the state by a most decisive majority. There can now be no further excuse for failure to correct the notorious errors of the present liquor law. Among these are:

1st. A provision compelling outside wholesalers to take out a wholesaler's license and exempting domestic wholesalers from the operation of the tax. The Supreme Court having

held this provision to be an unconstitutional discrimination, the license provision should be made to apply to both foreign and domestic wholesalers.

2nd. Under the law, as it stands, a manufacturer may erect wholesale houses all over the state and do a wholesale business without paying a wholesaler's license. He should pay both a manufacturer's and wholesaler's license.

3rd. The statute is not sufficiently explicit in defining what a retailer is. In many places in the state a retailer is held to be one who sells by the drink. The brewing companies have opened "wholesale" houses and are selling beer by the bottle under a manufacturer's license. A retailer should be defined and the wholesalers made to pay a retailer's license where they do a retail business.

4th. The druggists have taken advantage of permission to sell for medicinal, scientific and sacramental purposes, and in most of the towns liquors can be as easily had at these places as at the open saloons. The municipality is cheated of its license money and the honest saloon keeper is subjected to an unfair competition from a class which seeks to make dishonest money under the cloak of a once high and respectable profession. These abuses are all so glaring that they scarcely need mentioning to be appreciated. Druggists should be permitted to sell liquors only on a physicians prescription and then only in compounded medicines. If permitted to sell in any other form they should be made to pay a retailers license.

THE REFERENDUM..

Since my last message to the legislature a law has been enacted putting into effect the initiative and referendum. Except in a municipal way neither have been employed to the present time. Their chief powers lie in the fact that the people of the state can initiate laws desired. or veto bills passed by the legislaure which may not be desirable. The people are no longer at the mercy of a legislature which may be influenced

to misrepresent them. Those who wish the repeal of the constitutional amendment adopting the initiative and referendum, can have no motive except a desire to remove this powerful watch dog of the peoples' interest that the designs of corporations may not be interfered with and that corrupt schemes may not be balked by fear of the popular ballot.

THE RAILROAD QUESTION.

The status of the Chicago, Milwaukee & St. Paul rate case now in the federal court for this district is such that an additional appropriation may be necessary to carry the case to completion. The case was won for state in the district federal court and on appeal to the supreme court of the United States - it was remanded back with the instruction that a master in chancery be appointed to make proper rate computations. There is every reason to believe that with an energetic, conscientious and able guardianship of the states' interests, the rate established by the railway commission will be sustained.

The railroad commissioners have done an immense amount of work in the matter of opening up railroad stations and securing elvevator sites and their needs should be well provided for by legislative appropriation.

Concluding this topic I desire to call attention to the fact that a larger appropriation should be made to pay for inspection of scales and balances. The commissioners have done all that could be undertaken with the money at hand and have demonstrated that there is a vast work to be done in the field of inspection. During 1899 it was found that fully sixty per cent of the scales were out of balance, and during the last year, while there has been an improvement, the percentage of scales out of balance .was still too large. The people suffer great loss through the under weighing of their products and the over weighing of their purchases and direct and stringent legislation to prevent such losses should be speedily enacted.

JUDICIAL ELECTION.

Experience has proved that South Dakota can save sixty thousand dollars every odd year by amending the constitution so that the judges of the Supreme and Circuit Courts may be elected at general elections. The makers of the constitution conceived an ideal non-partisan bench, uninfluenced by partisan considerations, but time has shown us the fallacy of that conception. The courts are in politics to a dangerous degree and are influenced as much by partisan considerations as any other branch of the government service. Ours is a government by parties and the conflict of commercial interests makes it as impossible for a court to escape partisan influence as for the legislature or the Executive. To maintain the farce of off year elections on the theory that such elections can or do result in a non-partisan judiciary is an expense not justified by results. The producing classes get weary of annual elections and the turmoil connected therewith and a large number stay away from the polls; therefore a fair expression of the people is not obtained, while corporations and their favored ones are constantly in politics. I hope that the legislature will submit an amendment to the constitution making judicial officers elective at general elections and providing for the election of one judge of the Supreme Court every two years.

THE WOLF BOUNTY LAW.

The State Auditor reports that there has been already paid from the state treasury on account of wolf bounty the sum of \$15,000 and that there are outstanding claims on file aggregating \$25,000 more. The result of the wolf bounty law is a possible expenditure of \$40,547 in less than two years' time. The legislature made a standing annual appropriation of \$5,000 per year to carry the act into effect, the intent unquestionably being to limit the expenditure to that amount, in confirmation of which I quote Section 9 of Chapter 136 as follows: "Appro-

priation. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general fund the sum of five thousand (5,000.00) dollars for the year 1899 and each fiscal year thereafter, or so much thereof as may be necessary and not otherwise appropriated." I signed the bill under the impression that the legislature did not intend to appropriate more than \$10,000 for the two fiscal years, but the Supreme Court held that the appropriation bill, becoming immediately operative under an emergency clause, included the fraction of the fiscal year from February 8, 1899, to June 30, 1899, and the sum of \$15,000 has consequently been paid out in twenty-three months. The law was passed at a time when there was a vast unorganized territory west of the Missouri river with no county organization to protect stock owners against the ravages of wolves. That territory has since been annexed to organized counties which are capable of paying their own bounty. The law should be promptly repealed. The state is under no obligation to pay more than it promises. If individuals file claims for more money than has been appropriated, they do so at their own peril and can have no reasonable ground for complaint if they are not compensated.

THE ST. LOUIS EXPOSITION.

The celebration of the Louisiana purchase at St. Louis in 1903 bids fair to be one of the greatest of national exhibitions. In many respects it will be greater than the World's Fair. It will commemorate and celebrate the purchase of Jefferson, under a Democratic policy of territorial expansion, a vast fertile region to be governed by its own people in their own way and destined to set the commercial and political pace for the civilized world. As apart of this region, occupying a place second to none in natural fertility, commercial activity, intellectual capacity and political progress, South Dakota should be properly represented at the exhibition, and I hope the legisla-

ture may make an appropriation for that purpose in keeping with our means and our dignity.

THE PAN AMERICAN EXPOSITION, BUFFALO, NEW YORK.

The State should be properly represented at the Pan American Exposition to be held in Buffalo, New York, next summer. The Exposition will be on a scale little inferior to the World's Columbian Exposition at Chicago and will be visited by people of the eastern states from where this state may expect her most valuable homeseekers, and homemakers of the future. To give the people of the east knowledge of the great advantages of South Dakota, a competent and honest commission should be appointed and adequate funds appropriated for a suitable exhibit of South Dakota's industries and of the advantages offered to those who are seeking lands upon which to build homes, or towns in which to engage in legitimate business enterprises. No state in the union offers such inducements for homeseekers as are offered by, South Dakota. It has well been called the bargain counter of the nation and we shall be short-sighted if we fail to make the most of our opportunities for the effective advertisement of our advantages.

STATE STATISTICIAN.

The Auditor recommends that the office of State Statistician, created by the territorial session laws of 1889 be given life. A demand is also being made for a Commissioner of Immigration whose duty it shall be to advertise our resources and seek settlers from other states. I believe that the state should have a statistical officer whose duty it should be to gather yearly data concerning the economic condition of the people and I see no reason why the Auditor, with the help of another clerk, cannot do the work and at a less expense than by creating a separate department. During the last four years the executive office has answered a large amount of correspond-

ence concerning the state and its resources. A statistical officer should have charge of gathering information on every branch of our commercial life. He should be a commissioner of agriculture, dairying, stock raising, mining and manufacturing and should be prepared to answer all questions concerning all these industries. This I believe is as far as the state's duties should extend. It is not necessary or proper that the state should employ legalized agents to procure settlers. If our economic advantages are properly investigated and reported upon the procuring of settlers and the advertising attendant upon such an undertaking can be as well and with greater propriety be undertaken by private enterprise.

EMBALMING BOARD.

The law regulating embalming is a most faulty enactment and has given rise to serious and continual trouble ever since it went into effect. It is difficult to pass upon the qualifications of such appointees. The law should provide that they should pass a thorough examination by the State Board of Health before they could qualify or the present law should be repealed and the duties of the Board of Embalmers be performed by the State Board of Health whose membership is and always will be competent to examine applicants for undertakers licenses.

LEASING ARID LANDS.

A bill is now pending in Congress to lease the arid government lands in the west in large tracts to the highest bidder for long periods of time. The evil consequences of the passage of such a measure can hardly be estimated. At present the government lands furnish a large and hardy population of cattle raisers with opportunities to make a home and a comfortable living. These men could not compete for these lands if they were put up to be leased and they would fall into the possession of great cattle corporations. Under the present system, the population of our range country is growing rapidly and

nothing should be done to discourage it. I think the legislature should memorialize Congress strongly against the passage of the bill to lease the government lands.

STATE REPORTS.

Delay in the publication of the reports of state officers has usually been the rule, clue to the procrastination of officials in some instances and printers in others. This year the reports were generally filed in the executive office at the statutory hour. The auditor's report for the fiscal year ending June 30, 1899, was not filed and printed for fully four months after the lawful time. I notified the Commissioner of Printing not to pay for the work,--which was not delivered according to contract--but no attention was paid to my attempts to enforce the State's contract rights. The Public Examiner asserts that his report for 1897-98 was not printed according to contract and that the Commissioner of Printing paid for the same in spite of the Examiner's refusal to approve the printing bill as required by law. The public printers seem to be an object of official partiality and favoritism unwarranted by the law and the public interests. I believe the state Would profit by purchasing an outfit and doing its own printing.

OIL INSPECTION.

The subject of oil inspection is one which comes up at every session of the legislature. but heretofore there has been very imperfect knowledge of the question. For more than a year, Hon. Joseph Meyer, the present oil inspector, with the assistance of Prof. Akeley of the State University, has been carrying on a thorough and extensive system of experiments to secure the necessary information concerning what constitutes the best quality of oil, both as to illuminating qualities and safety. Knowing the thoroughness with which the work has been done by these gentlemen, I hope the legislature will give

their recommendations the attention and obedience which skillful and honest opinion is entitled to receive.

MINE INSPECTOR.

The report of the Inspector of Mines, Hon. James Cusici brings gratifying intelligence of unexpected gains in the mineral productions of the Black Hills mines during the last year. His report for 1899 showed a gold product amounting to \$1,131,436. His report for this year shows a product of 611.65. This enormous increase cannot be regarded in at other than a most fortunate light. The new processes for the extraction of ore, by means of which the low grade ores may be worked at a good profit has revived the gold mining industry all over the Hills country as if by magic. Eight new cyanic plants have been erected during the year and a large number of others are either in course of construction or under contract. The consequence of this great activity must be a splendid increase in the wealth of that section of the state, a steady rise of wages for workers and a rapid but substantial increase the population. There have been no labor troubles during the past year, the workers having made no complaints except in minor instance or two which was easily adjusted. Three lives were lost and twenty-five men injured, two of these being totally disabled. This record shows not that this year was a lucky year merely but that mining corporations are finding it to their advantage to properly protect their workmen against accident so far as is possible.

PURE FOOD.

I desire to call to your attention the sale of oleomargarine in this state as a counterfeit and substitute for butter. South Dakota is a great butter producing state and every pound of oleomargarine sold is detrimental to the farmers and the dairying and creamery interests. A law should be passed prohibiting the sale of oleomargarine in the state except in its

original and natural color, and hotels and restaurants using it should be compelled to post a sign in their offices and dining rooms bearing the device "Oleomargarine used here." This would be an effective way to prevent fraud upon the public and would be a protection to one of the most profitable industries of the state.

The pure food bill passed by the legislature of 1899 has been of great benefit to the state, but a more stringent measure should be provided. There is no reason why the manufacturers of food products should not be required to put the formula of the ingredients contained upon each package.

SOLDIER'S HOME.

The Soldier's Home of South Dakota is admitted by those who have made a careful investigation of such institutions, to be the best conducted of any of its kind in the United States. It is claimed to be the only Home where the evil of intemperance does not exist to excess. The Commandant has been severely criticized for his strict discipline against liquor but he enjoys the distinction today of having the only sober Home in the United States. I believe that there are not five men in the entire Home who would wish to have it conducted as it was under the former management. The food is plentiful and well cooked. Cleanliness is a striking feature through the entire institution.

The hospital, while not pretentious in appearance, is especially well arranged. The rooms are light and airy and it is provided with everything necessary to add to the comfort of the old veterans. Many substantial improvements have been made. A large number of fruit and shade trees have been planted and are making fine growth. A stone walk has been laid from the house to the entrance of the grounds and the road has been graded, giving the grounds an attractive appearance. This institution should be especially well provided for that the declining years of the men who so faithfully served

their country in its darkest days may be made as peaceful comfortable as possible. The Board asks an appropriation 69,800 for the two years, which is moderate.

PARDONS GRANTED.

In compliance with law, I have the honor to report the following pardons granted by the Executive from January 16, 1899, to date:

LUCA CUSULA. This was a case of manslaughter from Lawrence county, the crime being committed under aggravating circumstances. The sentence was for twelve years. The Board of Pardons passed on the case and recommends pardon, in which I concurred, the prisoner being released January 16, 1899.

PAUL, FAULKNER and GILBERT ROCK.. They were both convicted of grand larceny at the November term of the circuit court of Pennington county and sentenced to four years states prison. They were discharged by Executive proclamation February 4, 1899, the Board of Pardons having pas upon both cases, fully reviewing each. In brief they v, charged with taking articles from a camp by the roadside, value of which was artificially swelled. Ten of the jurors petitioned for the pardon of these prisoners at the expira of one year from date of sentence testified to the articles being barely worth,\$21.00. Edmund Smith, then prosecuting a ney, and Hon. Levi McGee, presiding judge, and also Wi Gardner and many other prominent citizens of Pennington county requested that pardon be extended. These facts were considered sufficient ground for the extension of Executive clemency.

RALEIGH SANFORD. This case was passed upon fully by the Board of Pardons, who recommended a pardon on the 15th day of November, 1898. The order releasing Sanford was proclaimed on the 5th day of April, 1899. Sanford was tried in the circuit court of Fall River county at the May, 1897, term

and convicted of the larceny of two horses belonging to James Cramer. Much feeling followed the effort to secure a pardon. Protests were filed and a petition largely signed also became a part of the record. It was apparent that the evidence upon which Sanford was convicted was not sufficient and that it was purchased. The fact was shown in the trial of James Wilson, one of Sanford's co-defendants, that the only testimony convicting Sanford with the stealing of the horses was that of one Francisco, who was paid a large sum of money to secure the conviction. These facts were not denied in any of the remonstrances filed. The petition was signed by such men as Judge Levi McGee, ex-Judge Plowman and others there being two hundred names of well known citizens of the Black Hills attached to the instrument. Under these circumstances I felt fully justified in following the recommendation of the Board of Pardons.

EBB WILLIAMS. This man was serving a county jail sentence in Hanson county, having been committed on the 3d day of January for an assault on one Peter Kohn, pending payment of \$100.00 fine. I remitted the fine and ordered the prisoner discharged.

FRANK M. Davis. This prisoner was convicted in the circuit court of Turner county and sentenced to two years in the state's prison on charge of grand larceny. The facts were fully presented to the Board of Pardons, who declared there were many mitigating circumstances connected with the case and that the prisoner had served a sufficient length of time. The executive order releasing him was issued July 5th, 1899.

THOMAS TROWBRIDGE. This man was convicted of grand larceny at the January term of the circuit court for Kingsbury county for failing to divulge guilty knowledge of an act of larceny committed by another. It appears that his failure to divulge the guilty knowledge was due largely to his ignorance of the law regarding his liability for such failure and his fear

of personal violence from one Dutcher. the guilty party. Executive clemency was extended on the 6th day of July, 1899.

JOHN McGLOTHERN. The defendant was convicted of robbery in the second degree, in Hamlin county. April 24th, 1896, and sentenced to five years imprisonment. The petition has been passed upon by the Board of Pardons. It was signed by Ezra Adams, former State's Attorney, and was accompanied by letters from J. O. Andrews, then Presiding Judge of the circuit, and also from Julian Bennett, the present Judge. McGlothorn is said to have a good record in the Penitentiary. The recommendation of the board for a pardon was approved on the 6th day of July by the issuance of the executive order releasing the prisoner.

IRA THOMPSON. The defendant was convicted of burglary in the third degree at the May 1898 term of the Codington County Circuit Court and sentenced to one year and nine months in the Penitentiary. The petition for pardon was numerously signed by the citizens of Watertown. Thompson was not convicted as the principal and was only remotely connected with the crime, having carried a bag for the persons who did commit the burglary, for which service he received 50c. A mis-apprehension on the part of the prosecution that he had been guilty of crime previously is said to have been largely responsible for the verdict of guilty, whereas lie had never before been convicted of any crime. A proclamation extending pardon was issued on the 6th of July, 1899.

MARION WAMSLEY. This man was convicted for manslaughter at the August, 1899, term of the Circuit Court of Clay County and sentenced to a term in the Penitentiary of three years. The crime for which he was convicted was in many respects one of the most horrible criminal acts committed in the state during recent years. The details of the killing of his victim when recited must always create aversion. The Board of Pardons passed upon the case and in recommending Executive clemency declared that the "crime was a very seri.

ous one". They concluded, however, that "it was committed under circumstances which would in a great degree mitigate the offence". I issued the proclamation extending pardon on the 14th day of August, A. D. 1899, more reluctantly than any pardon I have ever extended since I was entrusted with that power.

LAMAR BOATWRIGHT AND CLYDE KEPHART.

Boatwright was convicted of robbery at the September 1897 term of the Meade County Circuit Court and sentenced to ten years in the Penitentiary. The Board of Pardons fully investigated the application and approved the same without reservation. In the case of Boatwright a large number of petitions express doubt of his guilt, one of the petitioners being S. H. Knepper, who was one of the jurors. The petition was endorsed by Judge Moore of the Eighth Circuit. P. F. McClung joined in the recommendation. Boatwright had previously borne a good reputation. In the case of Kephart who was also convicted of robbery in the Moody County Circuit Court it was shown that he was but eighteen years old and, had he had a speedy trial he might have been sent to the Reform School. It was through him that his accomplices were convicted and a grave criminal act exposed. There was general belief that he was possibly the victim of circumstances and that his age and conduct warranted his release. Executive clemency was extended on the 5th day of October, 1899.

JAMES PETTIJOHN. The defendant was sent to the Penitentiary from Deuel County for five years for the crime of rape, at the March, 1897, term of the Circuit Court. The Board of Pardons passed fully upon the case, the petition being supported by T. J. Law, .States Attorney, who prosecuted, C. X. Seward who assisted, eight members of the jury and Judge Andrews who presided at the trial. The prisoner was released on the 25th day of October, A. D. 1899.

WILLIAM O'NEIL. The defendant was sentenced to the Penitentiary for eighteen months on the charge of grand

larceny at the February, 1899 term of the Lawrence County Circuit Court. According to the statement of Judge Moore that the convict was recommended to the mercy of the Court by the jury who tried him, and that the woman who was jointly indicted with O'Neil was acquitted, the prisoner was entitled to the release asked in the petition and he was proclaimed a free man on the 7th day of December, 1899.

FRANK L. HOLLARBUSH The charge in this case was embezzlement, conviction being had at the May, 1899, term of the Beadle County Circuit Court, and the sentence being fixed at six months in the County jail. A largely signed petition of the best citizens of Huron declared that Hollarbush had been a "trusty" since his confinement, that his parents needed his assistance and that as his term expired in May, he should be released in order to get employment with the opening of spring, believing the ends of justice to have been obtained pardon was extended to Hollarbush on the 13th day of April, 1899.

WILLIAM C. WALKER. The defendant was convicted of manslaughter in May, 1894, in the Meade County Circuit Court and sentenced to ten years in the Penitentiary. He was used by the state as a witness in the trial of J and Robert Hicks, jointly indicted with Walker, and who are believed to be the real parties in the crime and it was largely upon Walker's evidence that they were convicted of murder in the first degree. It appears that Walker had no connection with the crime other than being an unwilling witness. In view of these facts and that the pardon was well supported by citizens in the higher walks of life, I accepted the recommendation of the Board of Pardons and issued the proclamation that released the prisoner on the 11th day of April, 1900.

WILLIAM B. HOWARD. The conviction for adultery in this case was had at the July, 1898, term of the Faulk County Circuit Court and a sentence of three year in the Penitentiary was passed on the prisoner. This case was passed upon by

the Board of Pardons and Executive clemency recommended. The prisoner was released May 5th, 1900.

FRANK KOTTWITZ. This defendant was convicted of manslaughter in the Circuit Court of Grant County on March 11th, 1896, and sentenced to a term of eight years in the Penitentiary. His case was fully reviewed by the Board of Pardons who declared that the petition for pardon was amply supported by the best of recommendations. The record of the prisoner was good, he having saved all his good time allowance. He was released on the 5th day of May, 1900.

FREDERICK RICHARDSON This defendant was convicted of the crime of grand larceny in the Circuit Court in and for Pennington County at the December, 1897, term and sentenced to serve an imprisonment of five, years in the state Penitentiary. His case was investigated by the Board of Pardons and after a full and complete review by that body, Executive clemency ,was recommended, which recommendation was complied with by the issuance of a proclamation releasing the prisoner May 5th, 1900.

JOHN T. FEENEY. This man was sentenced from Brookings county for ten years, for grand larceny, in March 1899. While in the penitentiary he was a trusty and the facts concerning his crime in the light of his subsequent contract seemed to fully warrant a pardon, which was granted June 5th, 1900.

JOHN S. NOBLE. The defendant was convicted of embezzlement at the October, 1898, term of the circuit court of Roberts county and sentenced to ten years imprisonment. The large number of petitioners who signed for his release said that his downfall was largely if not wholly caused by drink induced by domestic troubles. He was a man of education and and refinement and for a year prior to his conviction he had remained sober. The case was considered one in which the extension of a pardon might be the means of elevating the pris

Gov. Mess.--4.

oner. He was discharged from the penitentiary on executive order May 15th, 1900.

HENRY QUARTIER, This was a conviction for burglary at the July term of the, Bon Homme County Circuit Court, -the case having been transferred from Douglas County. The imprisonment was fixed at one year and six mouths. The petition was a lengthy one signed by many leading citizens and the States Attorney of Bon Homme County. '-It was alleged that Quartier transferred his case in order that he might sooner plead guilty and begin serving his sentence. He showed no disposition to retard the process of justice. His conduct in prison was good and having served one third of his term I issued a pardon on the 14th day of May, 1900.

DANIEL KELLY. This defendant was convicted on a charge of burglary at the January, 1900, term of the Circuit Court of Bon Homme county and sentenced to two years imprisonment. The defendant was a mere boy and it was thought wise, in view of his future, to grant, the pardon, this having been his first offense. He was released December 10th 1900.

PHILIP CARROLL. Convicted of rape at the April, 1894, term of the Circuit Court of Lincoln county and sentenced to a term of ten years in the penitentiary. This case was fully reviewed by the Board of Pardons and recommendation for executive clemency made. Carroll's sentence had practically expired by the application of his good time which had all been saved. He was released December 26th, 1900.

CLARENCE ALLEN. This defendant was convicted at the October, 1899, term of the Sanborn county Circuit Court and sentenced to the penitentiary for two years and three months for grand larceny. The Board of Pardons recommended executive clemency. Stating that a petition signed by all the jurors had been filed asking that the pardon date from October last. He was proclaimed free December 26th, 1900.

FRED HARDING AND JAMES SMITH. These men were

convicted of the crime of grand larceny at the September 1899, term of the Brookings county Circuit Court, Smith being sentenced for three years and Harding for three and one half. Petitions were presented from Brookings and also from Mason City, Iowa, attesting the previous good character of the men. The prosecuting witness signs a statement declaring that both of them were in a state of intoxication at the time they committed the crime. The Board of Pardons recommended the pardon which was granted. December 26th, 1900.

GEORGE W. DIXON. The defendant was convicted of rape and sentenced at the November, 1897, term of the circuit court of Codington county to five years in the penitentiary. One of the prime considerations for his release was his extremely bad health, a fact attested by the Ladies' Board of Investigation, the prison physician, the warden and others. His pardon was recommended by Judge Andrews who tried him, C. X. Seward, states attorney, and others. I considered the condition of his health sufficient ground to justify his release. He was discharged the 11th day of August, 1900.

THOMAS LOOBY. This defendant was convicted at the June term of the Circuit Court of Kingsbury county for grand larceny and sentenced to three years in the penitentiary. Upon the receipt of a certificate from the prison physician that it was only a question of a short time until Looby died, and information from the warden to the same effect, the Board of Pardons considered his petition sufficiently sound as a basis for a recommendation for Executive clemency which was extended in accordance with the recommendation August 11th, 1900.

RICHARD T. GOULD. This man was convicted of bigamy in the Circuit Court of McCook county and sentenced to two years in the penitentiary in April, 1899. A large number of earnest petitioners asserted that Gould committed the offense under the impression that his former wife had secured a divorce. He is said to be sober, industrious and exemplary in every way. This was the only breach of the law which he was

known to have committed. He was discharged on the 11th day of August, 1900.

JAMES THOMPSON. This defendant was convicted of rape in the Circuit Court of Pennington county and sentenced to the penitentiary for eight years. All twelve of the jurors who tried the case joined in the petition for his release. The Board of Pardons based its action in recommending the discharge of the prisoner on the ground that the conviction was had upon the unsupported testimony of "one whose veracity might be questioned." The prisoner was discharged September 18th, 1900.

HIRAM AND BENJAMIN HOWES Convicted of grand larceny at the December, 1898, term of the Circuit Court of Bon Homme county and sentenced to a term of two and one half years imprisonment. A discharge was recommended by States Attorney Williams and also by Sheriff Eads. The case of both these men was passed upon by the Board of Pardons who recommended that pardon be granted. Pardon was granted on September 18th, 1900.

HIRAM COLE. Convicted at the December, 1898, term of the circuit court of Clark county of grand larceny and sentenced to the penitentiary for four years. All the jurors petitioned for his release, also K. Peterson and others including F. E. Diehl, state's attorney. His release was recommended by the Board of Pardons. He was released on October 18th, 1900.

W. W. BARKER. This defendant was convicted of assault with intent to kill at the May, 1898, term of the circuit court of Spink county and sentenced to a term of three years. His case was passed upon by the Board of Pardons whose action was based upon a petition signed by H. O. Hendrickson and others, also by the sheriff, Elmer King. He was released from the penitentiary September 18th, 1900.

JOHN WICKS. The petition asking for the pardon of this defendant who was convicted at the September, 1899, term of the circuit court of Union county of grand larceny and sen-

tenced to a term of two years, was signed by the jurors who convicted him, also Sheriff Ryan, Freeman Bros. and other prominent citizens of Elk Point. The warden declared that Wicks was a trusted man. He was discharged on the 21st day of October, 1900.

JULIUS P. STOCKSTAD. Stockstad was convicted in the circuit court of Brookings county at the February, 1900, term, and sentenced to the penitentiary for one year on the charge of assault with a dangerous weapon with intent to do great bodily harm. It was declared he was in a state of gross intoxication and irresponsible at the time the offense was committed. A large number of petitioners asserted that his family needed support and the best interests of the prisoner and the community demanded his release. He was released September 11th, 1900.

ALBERT MAHER. Maher was convicted of grand larceny at the May, 1900, term of the circuit court of Brown county and sentenced to a term of nine months in the penitentiary. Judge Campbell requested his release from prison in the following language: "On the trial the evidence disclosed that he did not take the pocket book containing the money feloniously but rather that he found it where the owner had lost it with knowledge to whom it belonged. He appropriated it to his own use instead of returning it to the owner" etc. Judge Campbell thought he had been sufficiently punished and declared that he heartily concurred in the recommendation for Executive clemency which was extended December 7th, 1900.

CONCLUSION.

In conclusion I desire to thank the legislature and the state officials and employes in the severall branches of the service for the extension of the usual official courtesies. I relinquish official life without regret, conscious of having given my best efforts to the service of the people, and wishing them and

their future servants an uninterrupted season of good government.

Respectfully submitted,
ANDREW E. LEE.